IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6576 OF 2005

Shri Hiraman Mulaji Rayaka ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Ajit Ram Pitale for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 21, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. F.I.R. was registered on 30th March, 2005. The F.I.R. relates to the offences which are allegedly committed by the Applicant from period during February 2003 to August 2004. Apart from the delay in filing the F.I.R., it appears that the allegations made in the F.I.R. are based on statements of two witnesses. Their statements have been recorded on 30th March, 2005 which do not support the prosecution. Attempt has been made by the prosecution to draw support from statements of the said two witnesses of February 2005 written on stamp papers. The statements of the said witnesses on stamp papers and the statements which are recorded under section 161 of the Code of Criminal Procedure, 1973 are prima facie inconsistent.

2. Looking to the gross delay in filing F.I.R. and absence of any explanation for the delay apart from inconsistent versions of the witnesses make it clear that undue harassment will be caused to the Applicant if he is not granted pre-arrest bail.

3. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R.No.I-24 of 2005 registered with Roha Police Station, District Raigad, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that till the filing of chargesheet, the Applicant will attend the concerned Police Station as and when called upon to do so and will co-operate for investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so

as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE